

My amendment also contains several provisions that have already passed the House. The first two provisions were noncontroversial on the House sides and I believe that the same will hold true on this side. First, the amendment clarifies that employees do not have to be paid for time spent driving to and from work in company vehicles. Second, the overtime exemption for computer professionals making over \$27.63 per hour is maintained.

My amendment also contains the same tip credit provision that passed the House. Tipped employees would continue to be paid at least \$2.13 per hour by their employers and would also earn tips. If the cash wage of \$2.13 and the tips did not add up to the Federal minimum wage, then the employer would make up the difference. Thus, tipped employees, like all other employees, would earn at least the Federal minimum wage.

My amendment contains an opportunity wage that would allow employers to pay first-time employees \$4.25 for 180 consecutive days. This provision is designed to get unskilled people into the job market where they can develop the good work habits that make advancement possible. My amendment expands on the 90-day time period in the House bill because employers are more likely to hire unskilled workers that they have sufficient time to train. Unlike the House provision, my amendment does not include an age limit because unskilled workers of all ages much be permitted to enter the work force more easily.

As my distinguished colleague, Senator CHAFEE, pointed out on the floor recently, Senators from both sides of the aisle are demanding that people get off of welfare and work and we must provide some incentive to employers for hiring unskilled workers. These people will be working at this first jobs and will be provided with the skills they need to advance and earn more.

Mr. KENNEDY said recently that the "downsized, laid-off workers in a time of high unemployment" will be hurt the most by the opportunity wage. I would point again to the figures released recently by the Department of Labor that show that unemployment has fallen to 5.3 percent, the lowest level in 6 years, and that wages are up to \$11.82 per hour on average. President Clinton hailed the numbers as showing that "wages for American workers are finally on the rise again. These figures indicate that the laid-off steelworker and the office worker with 30 years of experience that Senator KENNEDY spoke of are not going to be earning the opportunity wage. Instead, the opportunity wage is going to allow access to the job market for unskilled workers with little or no job experience, workers who otherwise would not have been hired at all.

My amendment delays the implementation of the minimum wage increase until January 1, 1997. This delay will help small businesses adjust and minimize job loss. This is particularly true

for small retailers that hire more workers during the holiday season. A delay is also important for employers that have committed to hiring teenagers for summer jobs. As Federal funding for summer youth job programs dries up, we must support private efforts.

America's small businesses have been extremely successful and have created the vast majority of new jobs in the last decade. If we want this level of growth to continue, and if we want to give America's workers the opportunity to get in on the ground floor of some of today's most profitable businesses, we must protect these businesses from Federal mandates. I urge you to support my amendment so that the opportunities available in America's small businesses continue grow.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, I now ask unanimous consent that, notwithstanding the previous order, at 2:15 p.m. today the Democratic leader be permitted to make a statement utilizing his leader time to be followed by the recognition of the majority leader to make closing remarks on H.R. 3448, also using leader time; further, that immediately following those remarks the Senate then proceed to the previously ordered votes with the first vote limited to the standard 15 minutes and all additional stacked votes reduced to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate at 12:53 p.m. recessed until the hour of 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

SMALL BUSINESS JOB PROTECTION ACT OF 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous agreement, the minority leader is recognized.

Mr. DASCHLE. Mr. President, I ask unanimous consent to use just 2 minutes of my leader time prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we are about to cast some very important votes this afternoon. I believe it is fair to say the American people are going to be watching very carefully. These are the ones they understand all too well. Many have not had a raise in 5 years. They have not seen an increase in the minimum wage more than once in the last 15. Many of them now have lost ground.

The question before us is very simple: Should 13 million Americans get a raise? It should not matter where you work or how long you have been working. Anyone who works 40 hours a week should not have to live in poverty.

We have all made our speeches as passionately as we know how about the need to improve our welfare system. There is no better way to get people off welfare than to give them a job that pays something beyond a minimum wage, so that they are not relegated to poverty for the rest of their lives. We have all talked about how pro-family we are. Nothing could be more profamily than to ensure parents have a working wage, that instead of working two or three jobs, they can work one and tend to their children at those times when otherwise they would have to work.

So the choice is very clear. Either we vote for this increase or sentence millions of workers to even more poverty and family troubles than they are experiencing right now.

No one should be confused about the amendments. The Bond amendment guts the minimum wage bill. As the National Retail Federation said, this is the best chance to defeat the minimum wage bill. The Kennedy amendment will strengthen it.

We have a chance to do something positive today. We should do it in a bipartisan way. We have done it before and passed votes on the minimum wage in this Chamber. The House of Representatives did it just 6 weeks ago. We can do it, too, this afternoon. Let us vote to give millions of Americans the raise they deserve.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. LOTT. Mr. President, I yield 2 minutes to the distinguished chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Delaware.

MODIFICATION OF AMENDMENT NO. 4436

Mr. ROTH. Mr. President, I send to the desk a modification to the managers' amendment that has been cleared by the two managers and the two leaders.

The PRESIDING OFFICER. Under the previous order, the Senator has the right to modify the underlying amendment.

The modification is as follows:

On page 26, between lines 6 and 7, insert:

SEC. 1467. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b), as added by section 1444(a), is amended—

(1) by inserting "or a multiemployer plan (as defined in section 414(f))" after "section 414(d)", and

(2) by inserting "AND MULTIEMPLOYER" after "GOVERNMENTAL" in the heading thereof.

(b) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS.—Subparagraph (I) of section

415(b)(2), as added by section 1444(c), is amended—

(1) by inserting “or a multiemployer plan (as defined in section 414(f))” after “section 414(d)” in clause (i) thereof,

(2) by inserting “or multiemployer” after “governmental” in clause (ii) thereof, and

(3) by inserting “AND MULTIEMPLOYER” after “GOVERNMENTAL” in the heading thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1996.

SEC. 1468. PAYMENT OF LUMP-SUM CREDIT FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Title 5, United States Code, is amended—

(1) in section 8342(c) by striking “Lump-sum” and inserting “Except as provided in section 8345(j), lump-sum”;

(2) in section 8345(j)—

(A) in paragraph (1) by inserting after “that individual” the following: “, or be made under section 8342 (d) through (f) to an individual entitled under section 8342(c),”; and

(B) by adding at the end the following:

“(4) Any payment under this subsection to a person bars recovery by any other person.”;

(3) in section 8424(d) by striking “Lump-sum” and inserting “Except as provided in section 8467(a), lump-sum”; and

(4) in section 8467—

(A) in subsection (a) by inserting after “that individual” the following: “, or be made under section 8424 (e) through (g) to an individual entitled under section 8424(d),”; and

(B) by adding at the end the following:

“(d) Any payment under this section to a person bars recovery by any other person.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any death occurring after the 90th day after the date of the enactment of this Act.

On page 26, line 7, strike “1467” and insert “1469”.

Mr. ROTH. This modification includes two provisions. First, multiemployer pension plans are exempted from the Tax Code pension benefit limits and, second, employee contributions to the Federal Government retirement funds would be subject to the judgment of a divorce court in the same way annuity and survivor benefits are subject to such orders.

I yield back the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, it has taken a long time for the Senate to finally come to the point where we are today. It has been delayed for weeks—actually, I guess, months—so I do wish to thank the distinguished Democratic leader for his cooperation in setting up this process that we begin voting on today.

I also especially thank the chairman of the Finance Committee and the ranking member of the Finance Committee. They did a very good job in the committee on the small business relief package. It was passed unanimously, I believe. We now have a leaders' managers' amendment that will further improve it, and I think that is a very significant part of this legislation. I com-

mend them for the work they have done.

I remind my colleagues today that we need to remember that small businesses play a crucial, in fact, probably the most important, role in the creation of new jobs in this country. More than 75 percent of all new employment opportunities in America occur in small businesses. They account for over 50 percent of all sales and produce 55 percent of our gross domestic product.

In that context, I have always been reluctant to vote for any measure which would restrict the formation and expansion of small business.

It is all too easy for Congress to promise benefits—like the increase of minimum wage—and to look the other way when our legislative mandate destroys jobs instead of creating them, and prevents willing workers from climbing up the opportunity ladder.

That is why I strongly support what was reported out of the Finance Committee with this small business tax relief, and why I also support very aggressively the amendment offered by Senator BOND. If we are going to impose a higher minimum wage and thereby limit job creation and economic opportunity, the least we can do is to offer some support, some buffer for small businesses to be protected from the worst effects of our good intentions.

So the Bond amendment is the responsible thing to do. It is a modest amendment, despite all the rhetoric directed against it. It would exempt from the higher minimum wage those small businesses which gross less than \$500,000 a year.

I believe this has had bipartisan support in the past. In fact, President Clinton's own Administrator of the Small Business Administration endorsed this concept as recently as 1995. And not so long ago, Senator BUMPERS proposed an even broader exemption that had the support of 12 Democratic Senators who still serve here today. The Bond amendment also has a training wage. If we do not have a training wage for entry level people, First, they may not get a job or, second, if they have a job they run the risk of losing it. There is something worse than low wages and that is no wages. This helps to address that, providing entry-level training wage assistance.

There are several other very good features in this legislation for small businesses, though, beyond the Bond amendment. It increases to \$25,000 the amount small businesses can write off for their purchase of equipment. It makes important changes to the tax rules concerning independent contractors, to reduce IRS harassment of those workers and of the businesses that contract for their services. It also extends several important tax provisions that have expired, including the exclusion from income for employer-provided educational assistance and the tax credit for research and development expenses.

The bill and the managers' amendment contain pension simplification measures that will expand pension coverage and eliminate much of the red tape that often deters employers from offering pension plans. The bill creates a new form of pension plan for small businesses, rightly called the SIMPLE Act, crafted to address the concerns of the men and women in the small businesses all across this country.

Equally important, finally, after talking about it for years, we are going to allow a full IRA deduction for the spousal IRA. The spouse who works inside the home now can only deduct \$200 for her IRA instead of the regular \$2,000. We should absolutely do this. At long last, the spouses would be treated the same as others.

There are other good provisions in this legislation. I endorse particularly the small business relief package. I urge my colleagues to support that. I urge my colleagues to vote against the Kennedy amendment.

There is a minimum wage increase in the Bond amendment, and the basic package, which is the House-passed package, has the minimum wage increase in it. When you couple that minimum wage increase with these small business tax reliefs and the small business exemption, then you have a package that really provides increased wages and protection from job loss. I urge my colleagues to vote for the Bond amendment, against the Kennedy amendment, and I yield the floor.

VOTE ON AMENDMENT NO. 4272

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the Bond amendment, No. 4272. The yeas and nays have not been ordered.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Maine [Mr. COHEN] are necessarily absent.

I further announce that if present and voting, the Senator from Maine [Mr. COHEN] would vote “yea.”

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—46

Abraham	Frist	Lugar
Ashcroft	Gorton	Mack
Bennett	Gramm	McCain
Bond	Grams	McConnell
Brown	Grassley	Murkowski
Burns	Gregg	Nickles
Chafee	Hatch	Pressler
Coats	Helms	Roth
Coverdell	Hutchison	Santorum
Craig	Inhofe	Shelby
DeWine	Kassebaum	Simpson
Domenici	Kempthorne	Smith
Faircloth	Kyl	
Frahm	Lott	

Snowe
Stevens

Thomas
Thompson

Thurmond
Warner

Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott

Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby

Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
D'Amato
Daschle
Dodd
Dorgan
Exon
Feingold

Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin

Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—2

Cochran

Cohen

The amendment (No. 4272) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4435

The VICE PRESIDENT. The question recurs on the Kennedy amendment.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the Kennedy amendment No. 4435. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Maine [Mr. COHEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Maine [Mr. COHEN] would vote "nay."

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
D'Amato
Daschle
Dodd
Dorgan

Exon
Feingold
Feinstein
Ford
Glenn
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin

Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee

Coats
Coverdell
Craig
DeWine
Domenici
Faircloth
Frahm

Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg

Cochran
Cohen

NOT VOTING—2

The amendment (No. 4435) was rejected.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4436, AS MODIFIED

The VICE PRESIDENT. The question is on agreeing to the Roth amendment.

Mr. SIMON. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Maine [Mr. COHEN] are necessarily absent.

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—96

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford

Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott

Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—2

Byrd

Simon

NOT VOTING—2

Cochran

Cohen

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Under the previous order, the question is on the

engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have not been ordered.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] and the Senator from Maine [Mr. COHEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Maine [Mr. COHEN] would vote "yea."

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—74

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist

Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Moseley-Braun

Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—24

Ashcroft
Bennett
Bond
Brown
Burns
Coats
Coverdell
Craig

Faircloth
Frahm
Gramm
Hatch
Helms
Hutchison
Inhofe
Kempthorne

Kyl
Lott
Lugar
Mack
McCain
Nickles
Smith
Thomas

NOT VOTING—2

Cochran

Cohen

The bill (H.R. 3448), as amended, was passed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Delaware.

Mr. ROTH. Mr. President, first of all, I want to express my appreciation to

the distinguished senior Senator from New York for contributions he has made in bringing this tax legislation to a successful conclusion. I can say in all honesty, it would not have happened without his wise counsel, his advice and willingness to work across the aisle. I greatly appreciate it.

I also wish to express my appreciation to the many staff people who worked so hard to bring this legislation to the Senate floor. While many of us were back home, perhaps working hard there in local offices, or celebrating our Nation's birthday, we had many, many staff members from Senator MOYNIHAN's office, the staff of the two leaders, as well as mine, dedicating long hours to trying to bring this legislation that we have just voted on to conclusion.

I would like to especially mention Lindy Paull, Frank Polk, Mark Prater, Rosemary Becchi, Sam Olchyk, Doug Fisher, Lori Peterson, Brig Gulya, Tom Roesser, as well as Mark Patterson, Jon Talisman, Patti McClanahan, and Maury Passman for their excellent work.

For the managers' amendment, I would like to express my thanks to Annette Guarisco and Susan Connell, of Senator LOTT's office.

From Senator DASCHLE's office: Larry Stein, Alexandra Deane Thornton, Glenn Ivey, Leslie Kramerich.

Again, I thank Senator MOYNIHAN and his very excellent staff for their help and cooperation.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to reciprocate and thank Mark Patterson and making a doubly reference to Lindy Paull.

This was the first major tax bill that our distinguished chairman has reported out of his committee and to the floor. I think it is a tribute to the way he has handled this matter, and it reflects his career in the Senate, that the bill passed by a 3-to-1 margin, 74 to 24. There will be no discussion of vetoes anywhere else in town. We will now appoint conferees.

I would like to say from our side that we look to the leadership of the chairman in conference. I am sure we will insist on our measures, and I expect to come back wholly pleased and honored by the association and more than pleased with the outcome.

Mr. KENNEDY. Mr. President, the vote earlier on the minimum wage was a resounding victory for the minimum wage, and a convincing repudiation of a cynical attempt to kill the bill. The Senate rose to the occasion to have the minimum wage. President Clinton can sign this bill with pride.

Enough is enough is enough. It has been a long time since Congress acted to make the minimum wage a living wage. Along with Social Security and Medicare, the minimum wage is one of the three most successful social programs ever enacted. In this context we

have protected Social Security, we have protected Medicare, and today we are protecting the minimum wage.

Today's vote means that millions of Americans will soon receive the long overdue increase they deserve in the minimum wage. Today's vote means that a solid majority of the Senate has kept the faith with the fundamental principle of the minimum wage. No one who works for a living should have to live in poverty.

Today's vote means that minimum wage workers are no longer the invisible Americans. We see them every day—the child care workers who care for children, the health care aides who care for patients in hospitals, and senior citizens in nursing homes, teachers' aides who labor in the classroom to educate their pupils, and the millions of other Americans who work hard days and long hours to make America work. Their work is indispensable to our country. And today the Senate gave them a helping hand.

The minimum wage has not gone up in 5 years. We all know that the gap between the rich and poor is widening in America. The economy may be doing well. But the benefits are flowing primarily to those at the top.

Corporate downsizing and layoffs may not affect the wealthy, but the vast majority of Americans are being left out and left behind, and those at the bottom of the ladder are being left farther behind.

They need our help, and today they received it.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 295, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 295) to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senate is now considering S. 295. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I am going to speak for a moment about the full bill, the Teamwork for Employees and Management Act, which has been called the TEAM Act, and why I think this is an important piece of legislation.

It is important because it improves the quality of life for workers on the job as well as the quality and productivity of American firms competing in the global marketplace. We are in a new era, Mr. President, and because of global competition I think we need to look at new and innovative ways in

which we can encourage a cooperative spirit in the workplace. This is why I think this legislation is important and why I hope my colleagues will support this with a strong vote.

The Senate has already spent a considerable period of time debating the TEAM Act. As I stated earlier in that debate, it responds to a series of decisions by the National Labor Relations Board that cast doubt on the legality of employee involvement programs, particularly in nonunion settings.

For instance, just last December, the board invalidated an employee involvement program in my own State of Kansas. A committee of workers and managers at Dillon's stores in Wichita, Newton, and Wellington, KS, met quarterly to discuss workplace issues and minutes of the meetings were then distributed to all employees. Employee representatives served voluntarily on the committee for 1-year terms and were elected by secret ballot.

Over the course of 7 years, the committee discussed such issues as whether the company would begin providing day care services for workers; whether Dillon's stores would begin providing a gym for workers to exercise in; whether better lifting equipment could be used for stocking shelves; whether the no-smoking lounge could be better maintained and a total no-smoking policy be implemented; and whether safety goggles could be provided for bakery employees.

These commonsense suggestions, Mr. President, are precisely the type of contributions that we need to promote. It is the type of discussions regarding the environment that both employees and employers are involved in that I think just make good sense for us today. There is nothing devious about this. This is not an attempt to try to diminish the unions. These are, however, issues that are of importance to every employee, and they are issues which the employers should care about as well.

Supervisors might not be focused on day care or new ways to stock shelves or the need for safety goggles, but these are the issues of concern for workers. Regrettably, the National Labor Relations Board said that discussing these issues in worker management committees violated Federal labor law.

Mr. President, I continue to be surprised by the level of opposition that some Members of the Senate express toward employee involvement. Quite simply, the TEAM Act removes the barriers in Federal labor law that prevent workers and supervisors from meeting in committees to discuss workplace issues.

I thought I might take a moment just to read the language of the TEAM Act, since I think it is very straightforward. The bill states that it shall not be illegal for an employer:

* * * to establish, assist, maintain or participate in any organization or entity of any kind, in which employees participate to address matters of mutual interest (including